

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY PRATT,	:	CIVIL ACTION NO. 1:04-CV-1313
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
BARBARA MALEWSKI, et al.,	:	
	:	
Defendants	:	
	:	

ORDER

AND NOW, this 26th day of September, 2005, upon consideration of plaintiff's motion (Doc. 31), in which plaintiff, proceeding *pro se* and *in forma pauperis*, requests that the case be dismissed, and of defendants' objection to dismissal without prejudice, and it appearing that, by the order of court dated August 8, 2005 (Doc. 35), plaintiff was directed to file a response, on or before September 16, 2005, showing cause why the case should not be dismissed with prejudice,¹ see FED. R. CIV. P. 41(a)(2) ("[A]n action shall not be dismissed at the plaintiff's instance save upon order of the court and upon such terms and conditions as the court deems proper."), and advised that failure to file a timely response would result in the dismissal of the case with prejudice, and that, as of the date of this order, plaintiff has not filed a response, it is hereby ORDERED that:

¹ An earlier order, dated July 21, 2005 (Doc. 34), also directed plaintiff to file a response showing cause why the case should not be dismissed with prejudice.

1. Plaintiff's motion (Doc. 31), CONSTRUED as a motion for voluntary dismissal, is GRANTED as so construed.
2. The case is DISMISSED with prejudice. See FED. R. CIV. P. 41(a)(2).
3. The Clerk of Court is directed to CLOSE the case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge